

REMARKS

Applicants have carefully reviewed and considered the Office Action mailed on March 10, 2004, and the references cited therewith.

Claims 1, 8, 16, and 22 are amended; as a result, claims 1-27 are now pending in this application. These amendments are consistent with the original filed specification and are therefore believed to be appropriate.

§103 Rejection of the Claims

Claims 1-4, 6-7, 16-17, and 19-27 were rejected under 35 USC § 103(a) as being unpatentable over May (U.S. 6,614,419) in view of Steiner et al. (U.S. 5,528,248). To render an invention obvious based on a combination of cited references there must be some motivation to combine the references to achieve the proposed combination. Furthermore, any such proposed combination must not render the references invalid for their stated teachings or teach away from the references. *In re Grasselli*, 713 F.2d 731, 743 (Fed. Cir. 1983). Additionally, any proposed combination cannot be the result of improper hindsight after reading and reviewing the Applicants' claimed invention. Finally, each and every step or element of the rejected claims must be taught or suggested in the proposed combination of references.

Here, Steiner is directed toward a personal digital location apparatus. That apparatus includes a GPS antenna for resolving geographical locations. Conversely, May is directed toward a Multi-Functional Display (MFD) for aircraft. Applicants do not agree that one of ordinary skill in the art would have been motivated after reading both May and Steiner to combine the two. This is because a Personal Digital Assistant (PDA) has a limited amount of physical product space and therefore has few if any buttons for which a user can access. Because of this fact, Steiner elected to have keys activated from a touch sensitive screen, and the buttons in Steiner are not adjacent (now recited in Applicants' amended independent claims 16 and 22) to any of the labels which may or may not appear on the screen. *Emphasis added.*

Steiner teaches a PDA with a touch sensitive screen from which a user could touch an on-screen key to activate a function. *Emphasis added.* Applicants' amended independent claims 1, 16, and 22 clearly recite soft keys or buttons that are not located within the display; but, are rather adjacent to labels included within the display that can be modified. The entire purpose of

the teachings of Steiner is the combination of GPS, PDA, and touch-screen features to activate functions. There would be no need in Steiner to have a touch screen if Steiner had enough space within a PDA to place soft keys adjacent to modifiable labels that change based on the states of the PDA. Therefore, someone reading Steiner in view of May would not have elected to go this route because it defeats the very teachings of a touch screen which is one of the primary purposes and teachings of Steiner and because it would have been impractical for a PDA device, which is yet another teaching of Steiner.

In a like manner, May is concerned with informing a pilot or co-pilot when certain features are on and off. This is done with an activation light which comes on and off for fixed and constant labels, indicating that certain other buttons can now be used by the pilot. The combination of Steiner and May does not teach each and every aspect of Applicants' amended independent claims 1, 16, and 22; because there is still no teaching or suggestion of a modifiable label associated with and adjacent to a soft key that is not within a display. As indicated above, Steiner has no need and use for the activation lights and controls of May, because its features are exclusively available via a touch screen. Similarly, one of ordinary skill in the art would not have modified May with a modifiable label after reading Steiner because Steiner does not teach this; it teaches a touch screen activation of buttons. The buttons are on the screen or display.

It is entirely more likely that one of ordinary skill in the art would have read Steiner and May and then would have been motivated to modify May with a touch screen to activate controls. To suggest now that May would have been modified with features not taught in Steiner and with features that run contrary to the very teachings of Steiner could have only occurred by improper hindsight which could only have been acquired after having read Applicants' disclosure.

Consequently, Applicants respectfully submit that the combination of May and Steiner does not render Applicants' independent claims obvious, because the combination lacks all the recited limitations of Applicants' amended independent claims; the combination would render teachings of Steiner inapposite; and one of ordinary skill in the art would not have been motivated to combine Steiner and May in the manners suggested by the Examiner. Moreover, any suggested combination now is improper hindsight and would not have been achievable by those of ordinary skill in the art who read Steiner and May in isolation without having had also

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read Applicants' disclosure. Thus, the rejections with respect to Applicants' independent claims 1, 16, and 22 should be withdrawn.

Claim 5 was rejected under 35 USC § 103(a) as being unpatentable over May and Steiner in further view of Walker (U.S. 6,279,017). Claim 5 is dependent from Applicant's amended independent claim 1. Therefore, for the remarks and amendments stated above the rejection with respect to this claim should be withdrawn.

Claims 8-14 were rejected under 35 USC § 103(a) as being unpatentable over May and Steiner in further view of Adams et al. (U.S. 6,314,343). Applicants incorporate by reference previous arguments presented with respect to the combination of May and Adams herein.

Again, Applicants would like to point out that the combination of references does not teach activation buttons that are adjacent to labels that are modifiable. As presented above with respect Applicants' remarks for claims 1, 16, and 22, the combination of May and Steiner lacks these limitations; cannot be properly combined; and would not have been achieved through motivation of one of ordinary skill in the art without first having read Applicants' disclosure and is therefore improper hindsight.

Therefore, the rejections with respect to Applicants' claims 8-14 should be withdrawn.

Claim 15 was rejected under 35 USC § 103(a) as being unpatentable over May, Steiner, and Adams, and in further view of Robinson (U.S. 4,651,282). Claim 15 is dependent from Applicants' amended independent claim 8. Therefore for the remarks and amendments stated above the rejection with respect to this claim should be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney ((513) 942-0224) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

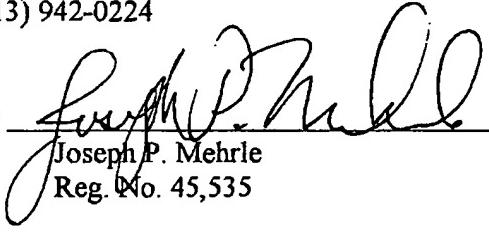
Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 10 day of June, 2004.

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